

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 698*

House Bill No. 1128

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting the language after the enacting clause in its entirety and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 65-4-101(a)(2), is amended by adding the following language at the end thereof:

provided, however, that to the extent that any municipality, county, metropolitan government, department, board, or other entity of local government acquires, constructs, owns, improves, operates, leases, maintains, sells, mortgages, pledges, or otherwise disposes of any system, plant or equipment for the provision of telephone, telegraph telecommunications services, or any other like system, plant, or equipment, shall be subject to regulation by the Tennessee Regulatory Authority in the same manner and to the same extent as other certificated providers of telecommunications service, including without limitation rules or orders governing anti-competitive practices, and shall be considered as and have the duties of a public utility, as defined in Section 65-4-101, but only to the extent necessary to effect such regulation. Nothing in this subdivision or Sections 2, 3, 4, and 5, of this act shall be construed as authorizing any entity to act pursuant to such provisions unless such entity is otherwise authorized by law to provide telecommunications services;

SECTION 2. Tennessee Code Annotated, Title 65, Chapter 5, is amended by adding the following as new sections:

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Section 65-5-____. To the extent that it provides any of the services set forth in Section 1 of this act, a municipality, county, metropolitan government, department, board, or other entity of local government shall not provide subsidies for such services.

Section 65-5-____. To the extent that it provides any of the services set forth in Section 1 of this act, a municipality, county, metropolitan government, department, board, or other entity of local government shall have all the powers, obligations, and authority granted entities providing telecommunications services under applicable laws of the United States or the state of Tennessee and shall comply with all applicable state and federal laws, rules and regulations.

Section 65-5-____. To the extent that it provides any of the services set forth in Section 1 of this act, a municipality, county, metropolitan government, department, board, or other entity of local government shall, for regulatory purposes, allocate to the costs of such services an amount equal to a reasonable determination of the state, local, and federal taxes which would be required to be paid for each fiscal year by a non-government corporation that provides the identical services.

Section 65-5-____. To the extent that it provides any of the services set forth in Section 1 of this act, a municipality, county, metropolitan government, department, board, or other entity of local government shall, for regulatory purposes, allocate to the costs of such services:

(a) an amount for attachments to poles owned by it or the entity of local government of which it is a subdivision equal to the highest rate charged by it or

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the entity of local government of which it is a subdivision to any other person or entity for comparable pole attachments, and

(b) any applicable rights-of-way fees, rentals, charges, or payments required by state or local law of a non-governmental corporation that provides the identical services.

SECTION 3. A municipality, county, metropolitan government, department, board, or other entity of local government shall not provide any of the services set forth in Section 1 of this act within the services area of an existing telephone cooperative with fewer than one hundred thousand (100,000) total lines organized and operating under the provisions of Tennessee Code Annotated, Title 65, Chapter 29, and therefore shall adhere to those provisions of the 1995 Tennessee Telecommunications Act, which is Public Chapter 408 of the Acts of 1995, and Rules of the Tennessee Regulatory Authority, which are applicable to the telephone cooperatives, and specifically Tennessee Code Annotated, Sections 65-4-101 and 65-29-130.

SECTION 4. Nothing in this act shall be construed to allow a municipality, county, metropolitan government, department, board, or other entity of local government to provide any service for which a license, certification, or registration is required under Tennessee Code Annotated, Title 62, Chapter 32, Part 3.

SECTION 5. This act supersedes any conflicting provisions of general law, private act, charter or metropolitan charter provisions.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of

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the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

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